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SENATE BILL 728

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; EXTENDING THE SCHOOL YEAR; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 2, as amended) is amended to read:

"22-2-8.1. LENGTH OF SCHOOL DAY--MINIMUM.--

A. Except as otherwise provided in this section, regular students shall be in school-directed programs, exclusive of lunch, for a minimum of the following:

(1) kindergarten, for half-day programs, two and one-half hours per day or four hundred fifty hours per year or, for full-day programs, five and one-half hours per day or ~~[nine hundred ninety]~~ one thousand seventeen and one-half hours per year;

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1 (2) grades one through six, five and one-half  
2 hours per day or [~~nine hundred ninety~~] one thousand seventeen  
3 and one-half hours per year; and

4 (3) grades seven through twelve, six hours per  
5 day or one thousand [~~eighty~~] one hundred ten hours per year.

6 B. Thirty-three hours of the full-day kindergarten  
7 program may be used for home visits by the teacher or for  
8 parent-teacher conferences. Twenty-two hours of grades one  
9 through five programs may be used for home visits by the  
10 teacher or for parent-teacher conferences.

11 C. Nothing in this section precludes a local school  
12 board from setting length of school days in excess of the  
13 minimum requirements established by Subsection A of this  
14 section.

15 D. The [~~state superintendent~~] secretary may waive  
16 the minimum length of school days in those districts where such  
17 minimums would create undue hardships as defined by the [~~state~~  
18 ~~board~~] department."

19 Section 2. Section 22-8-9 NMSA 1978 (being Laws 1967,  
20 Chapter 16, Section 63, as amended) is amended to read:

21 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

22 A. A budget for a school district shall not be  
23 approved by the department that does not provide for:

24 (1) a school year consisting of at least one  
25 hundred [~~eighty~~] eighty-five full instructional days or the

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1 equivalent thereof, exclusive of any release time for in-  
2 service training; or

3 (2) a variable school year consisting of a  
4 minimum number of instructional hours established by the [~~state~~  
5 ~~board~~] department; and

6 (3) a pupil-teacher ratio or class or teaching  
7 load as provided in Section 22-10A-20 NMSA 1978.

8 B. The [~~state board~~] department shall, by rule,  
9 establish the requirements for an instructional day, the  
10 standards for an instructional hour and the standards for a  
11 full-time teacher and for the equivalent thereof."

12 Section 3. APPROPRIATION.--Sixty-two million dollars  
13 (\$62,000,000) is appropriated from the general fund to the  
14 state equalization guarantee distribution of the public school  
15 fund for expenditure in fiscal year 2008 to fund the cost of an  
16 additional five full instructional days. Any unexpended or  
17 unencumbered balance remaining at the end of fiscal year 2008  
18 shall revert to the general fund.